

# **Exhibit F**

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8 Tel: 650.833.2000  
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9 Attorneys for Defendant and Counterclaimant  
10 Sun Microsystems, Inc.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 NETWORK APPLIANCE, INC.,

16 Plaintiff,

17 v.

18 SUN MICROSYSTEMS, INC.,

19 Defendant.

20 SUN MICROSYSTEMS, INC.,

21 Counter-claim Plaintiff,

22 v.

23 NETWORK APPLIANCE, INC.,

24 Counterclaim-Defendant.

CASE NO. 3:07-CV-06053 EDL

**DEFENDANT AND COUNTERCLAIM-  
PLAINTIFF SUN MICROSYSTEMS, INC.'S  
FIRST SET OF INTERROGATORIES TO  
PLAINTIFF AND COUNTERCLAIM-  
DEFENDANT NETWORK APPLIANCE,  
INC.**

21. "Patent" includes all U.S. Patents and all foreign protection for intellectual property rights whether called a "Patent" or not.

22. "Related Litigation" means all litigation or other legal proceedings, including Patent and Trademark Office Proceedings, in which anyone has asserted any claims or contentions Relating To the validity, enforceability or Infringement of the NetApp Patents-in-Suit, Related NetApp Patent or NetApp Application.

23. "Relate," "Relate To," "Related To" or "Relating To" means to describe, discuss, constitute, comprise or evidence.

24. "Sun Accused Products" means Sun's Zettabyte File System ("ZFS"), as well as any other Sun products that NetApp accuses of infringing the NetApp Patents-in-Suit.

25. "Sun Patents-in-Suit" means U.S. Patent No. 5,459,857 ("the '857 patent"), U.S. Patent No. 5,749,095 ("the '095 patent"), U.S. Patent No. 5,761,662 ("the '662 patent"), U.S. Patent No. 5,925,106 ("the '106 patent"), U.S. Patent No. 5,941,954 ("the '954 patent"), U.S. Patent No. 6,356,984 ("the '984 patent"), U.S. Patent No. 6,591,303 ("the '303 patent"), U.S. Patent No. 6,681,261 ("the '261 patent"), U.S. Patent No. 6,873,630 ("the '630 patent"), U.S. Patent No. 6,983,343 ("the '343 patent"), U.S. Patent No. 5,403,639 ("the '639 patent"), and U.S. Patent No. 5,410,667 ("the '667 patent").

26. "Whipsaw Litigation" means The Whipsaw Group, et. al., v. Network Appliance Corporation, etc. et al., Case No. CV 742186 in the Superior Court of California, County of Santa Clara and any related cases, negotiations or arbitration or mediation proceedings.

### INSTRUCTIONS

1. These interrogatories shall be deemed to seek answers as of the date of service thereof and to the full extent of the Federal Rules of Civil Procedure. These interrogatories are of a continuing nature and You are required to file and serve supplemental responses promptly if You obtain further or different information after the date of Your initial answer.

2. The singular form of a word should be interpreted in the plural as well. Any pronoun shall be construed to refer to the masculine, feminine or neutral gender as in each case is most appropriate. The words "and" and "or" shall be construed conjunctively or disjunctively,

1 whichever makes the request most inclusive.

2 3. These interrogatories seek all information that is known to You, Your  
3 representatives, agents, employees, investigators, consultants and, unless otherwise privileged,  
4 their counsel.

5 4. If possible, supply all annual data requested on a calendar year basis. However, if  
6 fiscal year data is provided, please specify the months in which the fiscal year begins and ends.  
7 Whenever information is requested "for each year," include the requested information for all prior  
8 years and also the requested information available for the current year and specify what portion of  
9 the current year is covered by such information.

10 5. If an interrogatory requests information from You or Your company, the response  
11 should be broken down for each of Your related companies (e.g., affiliates, subsidiaries, joint  
12 ventures, divisions, etc.).

13 6. If information requested is not readily available from Your records in exactly the  
14 form requested, furnish carefully prepared estimates, designated as such and attach explanations  
15 of any estimate used.

16 7. If you do not answer any interrogatory, or part thereof, because of a claim of  
17 privilege or any other claim, set forth the privilege claimed, the facts upon which You rely to  
18 support the claim or privilege, and furnish a list identifying each item of information for which  
19 privilege is claimed, including:

- 20 a. a brief description of the nature and subject matter;  
21 b. the date the information was acquired or came into existence; and  
22 c. the name and title of the individual(s) who generated, provided, and  
23 received the information.

24 8. If you withhold any Document because of a claim of privilege or any other claim,  
25 provide a "privileged Document list" which identifies each Document separately and specifies for  
26 each Document at least the following:

- 27 a. the date;  
28

**PROOF OF SERVICE**

**Network Appliance, Inc. V. Sun Microsystems, Inc.**  
**U.S.D.C., No. District of CA., San Francisco Division (No. 3:07-CV-06053 EDL)**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is DLA Piper US LLP, 2000 University Avenue, East Palo Alto, California 94303-2214.

I, Christine Kunis, hereby certify that on December 20, 2007, a copy of **DEFENDANT AND COUNTERCLAIM-PLAINTIFF SUN MICROSYSTEMS'S FIRST SET OF INTERROGATORIES TO PLAINTIFF AND COUNTERCLAIM-DEFENDANT NETWORK APPLIANCE, INC.** was served on the following as indicated:

Edward R. Reines, Esq.  
Jeffrey G. Homrig, Esq.  
Weil Gotshal & Manges  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Tel: 650-802-3000  
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☒ Via Email (PDF file)  
elizabeth.weiswasser@weil.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the Bar of or permitted to practice before this Court at whose direction the service was made.

Executed on December 20, 2007, at East Palo Alto, California.



Christine E. Kunis

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Attorneys for Defendant and Counterclaimant  
 Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,

Plaintiff-Counterdefendant

v.

SUN MICROSYSTEMS, INC.,

Defendant-Counterclaimant

CASE NO. 3:07-CV-06053 EDL

**DEFENDANT AND COUNTERCLAIM-  
 PLAINTIFF SUN MICROSYSTEMS, INC.'S  
 SECOND SET OF INTERROGATORIES TO  
 PLAINTIFF AND COUNTERCLAIM-  
 DEFENDANT NETWORK APPLIANCE,  
 INC.**

Pursuant to Federal Rule of Civil Procedure 33, Defendant and Counterclaimant Sun Microsystems, Inc. ("Sun") requests that Plaintiff Network Appliance, Inc. ("NetApp") answer the following interrogatories within thirty (30) days of this request. NetApp is subject to a duty to supplement all responses in accordance with Federal Rule of Civil Procedure 26(e). The following definitions and instructions apply.

**DEFINITIONS**

1. "NetApp," "Plaintiff," "You," or "Your" means Network Appliance, Inc., individually and collectively, including without limitation its subsidiaries, divisions, affiliates,

1 specify: (1) the manner in which the Communication was made (e.g., telephone, in person  
 2 conversation, etc.); (2) the Identity of each Person who participated in or witnessed the  
 3 Communication; (3) the subject matter and content of the Communication; (4) the date and place  
 4 of the Communication; and (5) the Identity of all Documents and things Relating to the  
 5 Communication.

6 10. "Relate," "Relate To," "Related To" or "Relating To" means to describe, discuss,  
 7 constitute, comprise or evidence.

### 8 INSTRUCTIONS

9 1. These interrogatories shall be deemed to seek answers as of the date of service  
 10 thereof and to the full extent of the Federal Rules of Civil Procedure. These interrogatories are of  
 11 a continuing nature and You are required to file and serve supplemental responses promptly if  
 12 You obtain further or different information after the date of Your initial answer.

13 2. The singular form of a word should be interpreted in the plural as well. Any  
 14 pronoun shall be construed to refer to the masculine, feminine or neutral gender as in each case is  
 15 most appropriate. The words "and" and "or" shall be construed conjunctively or disjunctively,  
 16 whichever makes the request most inclusive.

17 3. These interrogatories seek all information that is known to You, Your  
 18 representatives, agents, employees, investigators, consultants and, unless otherwise privileged,  
 19 their counsel.

20 4. If possible, supply all annual data requested on a calendar year basis. However, if  
 21 fiscal year data is provided, please specify the months in which the fiscal year begins and ends.  
 22 Whenever information is requested "for each year," include the requested information for all prior  
 23 years and also the requested information available for the current year and specify what portion of  
 24 the current year is covered by such information.

25 5. If an interrogatory requests information from You or Your company, the response  
 26 should be broken down for each of Your related companies (e.g., affiliates, subsidiaries, joint  
 27 ventures, divisions, etc.).

28 6. If information requested is not readily available from Your records in exactly the

**SECOND SET OF INTERROGATORIES**

**INTERROGATORY NO. 13:**

For Each NetApp Accused Software Product identify all software, firmware and/or source code comprising all or part of, or used by, for or with that NetApp Accused Software Product, including but not limited to the name of each software, firmware and/or source code file and directory comprising all or part of, or used by, for or with that NetApp Accused Software Product.

**INTERROGATORY NO. 14:**


For each NetApp Accused Hardware Product identify all software, firmware and/or source code used by, for or with that NetApp Accused Hardware Product, including but not limited to the name of each software, firmware and/or source code file and directory used by, for or with that NetApp Accused Hardware Product and any source code file or directory used in programming or operating any NetApp Accused Hardware Product.

**INTERROGATORY NO. 15:**

Identify the product(s), whether made by NetApp or others, that have ever been marked with the patent number of any of the NetApp Patents-in-Suit, including the date when such marking was first made and the date, if any, on which such marking stopped (whether temporarily or permanently).

Dated: April 3, 2008

DLA PIPER US LLP

By   
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Attorney for Defendant and Counterclaimant  
SUN MICROSYSTEMS, INC.

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Attorneys for Defendant and Counterclaimant  
 Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,  
 Plaintiff,  
 v.  
 SUN MICROSYSTEMS, INC.,  
 Defendant.

CASE NO. 3:07-CV-06053 EDL

**DEFENDANT AND COUNTERCLAIM-  
 PLAINTIFF SUN MICROSYSTEMS, INC.'S  
 FIRST SET OF REQUESTS FOR  
 PRODUCTION OF DOCUMENTS TO  
 PLAINTIFF AND COUNTERCLAIM-  
 DEFENDANT NETWORK APPLIANCE,  
 INC.**

SUN MICROSYSTEMS, INC.,  
 Counter-claim Plaintiff,  
 v.  
 NETWORK APPLIANCE, INC.,  
 Counterclaim-Defendant.

1 as to identify the documents contained within the file or binder.

2 E. Electronic records and computerized information must be produced in an  
3 intelligible format or together with a description of the system from which it was derived  
4 sufficient to permit rendering the materials intelligible.

5 F. Selection and numbering of responsive documents shall be performed in such  
6 manner as to enable the source of each document to be determined.

7 G. The connectives "and" and "or" shall be construed either disjunctively or  
8 conjunctively as necessary to bring within the scope of the discovery request all responses that  
9 might otherwise be construed to be outside of its scope.  
10

11 H. The use of the singular form of any word includes the plural and vice versa.

12 I. These requests are continuing so that with respect to any request or part thereof as  
13 to which NetApp, after responding, discovers additional responsive documents, NetApp shall  
14 provide such documents immediately after acquiring knowledge of their existence or advise in  
15 writing as to why such additional documents cannot be provided immediately.

16 **REQUESTS FOR PRODUCTION**

17 **REQUEST FOR PRODUCTION NO. 1:**

18 All Documents that refer or Relate To the NetApp Patents-in-Suit, including without  
19 limitation:

20 (a) all Documents pertaining to the preparation and prosecution of any NetApp  
21 Application, including without limitation any files of any attorney involved in the prosecution of  
22 any NetApp Application;

23 (b) Documents sufficient to identify all Persons involved with the prosecution of any  
24 NetApp Application;

25 (c) all drafts of Patent applications and drawings;

26 (d) all Documents submitted to or received from the U.S. Patent and Trademark  
27 Office or any foreign patent office or foreign representatives before a foreign Patent office;  
28

**PROOF OF SERVICE**

**Network Appliance, Inc. V. Sun Microsystems, Inc.**  
**U.S.D.C., No. District of CA., San Francisco Division (No. 3:07-CV-06053 EDL)**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is DLA Piper US LLP, 2000 University Avenue, East Palo Alto, California 94303-2214.

I, Christine Kunis, hereby certify that on December 20, 2007, a copy of **DEFENDANT AND COUNTERCLAIM-PLAINTIFF SUN MICROSYSTEMS'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF AND COUNTERCLAIM-DEFENDANT NETWORK APPLIANCE, INC.** was served on the following as indicated:

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 Jeffrey G. Homrig, Esq.  
 Weil Gotshal & Manges  
 201 Redwood Shores Parkway  
 Redwood Shores, CA 94065  
 Tel: 650-802-3000  
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Elizabeth S. Weiswasser, Esq.  
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☐ Via First Class Mail  
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 elizabeth.weiswasser@weil.com

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I declare that I am employed in the office of a member of the Bar of or permitted to practice before this Court at whose direction the service was made.

Executed on December 20, 2007, at East Palo Alto, California.

  
 Christine E. Kunis

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Attorneys for Defendant and Counterclaimant  
 Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,

Plaintiff – Counterclaim  
 Defendant,

v.

SUN MICROSYSTEMS, INC.,

Defendant – Counterclaim  
 Plaintiff.

CASE NO. 3:07-CV-06053 EDL

**DEFENDANT AND COUNTERCLAIM-  
 PLAINTIFF SUN MICROSYSTEMS, INC.'S  
 SECOND SET OF REQUESTS FOR  
 PRODUCTION OF DOCUMENTS TO  
 PLAINTIFF AND COUNTERCLAIM-  
 DEFENDANT NETWORK APPLIANCE,  
 INC.**

Pursuant to Federal Rule of Civil Procedure 34, Defendant and Counterclaimant Sun Microsystems, Inc. ("Sun") requests that Plaintiff Network Appliance, Inc. ("NetApp") produce for inspection and copying all of the following documents and other tangible things that are in its possession, custody or control. Production shall take place within thirty (30) days of this request, at the offices of DLA Piper, 2000 University Avenue, East Palo Alto, CA 94303-2248 or at such other location and time as the parties agree. NetApp is subject to a duty to supplement all responses to this request for production in accordance with Federal Rule of Civil Procedure 26(e).

1           4.     all addresses, recipients, copyholders and other distributives;

2           5.     the organization, if any, with which each author, addressee, recipient, or  
3 distributee was then connected and his job title or description;

4           6.     the number of pages;

5           7.     a general summary of the subject matter; and

6           8.     the grounds for refusing to produce the document or portion thereof.

7  
8           C.     Any document requested of which NetApp has knowledge or information but that  
9 is not in NetApp's possession, custody or control must be identified in the manner set forth in  
10 paragraph B hereof.

11           D.     All documents requested shall be produced as they are kept in the usual course of  
12 business or shall be organized and labeled to correspond with the categories in these requests.  
13 File folder tabs, file labels, binder labels, binder tabs or other organizational marks or labels that  
14 identify documents or the location of documents responsive to these requests shall be produced so  
15 as to identify the documents contained within the file or binder.

16           E.     Electronic records and computerized information must be produced in an  
17 intelligible format or together with a description of the system from which it was derived  
18 sufficient to permit rendering the materials intelligible.

19           F.     Selection and numbering of responsive documents shall be performed in such  
20 manner as to enable the source of each document to be determined.

21           G.     The connectives "and" and "or" shall be construed either disjunctively or  
22 conjunctively as necessary to bring within the scope of the discovery request all responses that  
23 might otherwise be construed to be outside of its scope.

24           H.     The use of the singular form of any word includes the plural and vice versa.

25           I.     These requests are continuing so that with respect to any request or part thereof as  
26 to which NetApp, after responding, discovers additional responsive documents, NetApp shall  
27  
28

- 1 ☐ by placing the document(s) listed above in a sealed envelope with postage thereon  
2 fully prepaid, in the United States mail at East Palo Alto, California addressed as  
3 set forth below.
- 4 ☐ by personally delivering the document(s) listed above to the person(s) at the  
5 address(es) set forth below.
- 6 ☒ by transmitting via the internet the document(s) listed above to the e-mail  
7 addressee(s) as set forth below.

8 **Attorney for Network Appliance, Inc.**

9 Jeffrey G. Homrig, Esq.  
10 Weil Gotshal & Manges  
201 Redwood Shores Parkway  
11 Redwood Shores, CA 94065  
Tel: (650) 802-3000  
12 Fax: (650) 802-3100  
Email: [jeffrey.homrig@weil.com](mailto:jeffrey.homrig@weil.com)

13 I am readily familiar with the firm's practice of collection and processing correspondence  
14 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same  
15 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on  
motion of the party served, service is presumed invalid if postal cancellation date or postage  
meter date is more than one day after date of deposit for mailing in affidavit.

16 I declare that I am employed in the office of a member of the Bar of or permitted to  
17 practice before this Court at whose direction the service was made.

18 Executed on February 19, 2008, at East Palo Alto, California.

19   
20 \_\_\_\_\_  
Christine K. Corbett

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 Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,

Plaintiff – Counterclaim  
 Defendant,

v.

SUN MICROSYSTEMS, INC.,

Defendant – Counterclaim  
 Plaintiff.

CASE NO. 3:07-CV-06053 EDL

**DEFENDANT AND COUNTERCLAIM-  
 PLAINTIFF SUN MICROSYSTEMS, INC.'S  
 THIRD SET OF REQUESTS FOR  
 PRODUCTION OF DOCUMENTS TO  
 PLAINTIFF AND COUNTERCLAIM-  
 DEFENDANT NETWORK APPLIANCE,  
 INC.**

Pursuant to Federal Rule of Civil Procedure 34, Defendant and Counterclaimant Sun Microsystems, Inc. ("Sun") requests that Plaintiff Network Appliance, Inc. ("NetApp") produce for inspection and copying all of the following documents and other tangible things that are in its possession, custody or control. Production shall take place within thirty (30) days of this request, at the offices of DLA Piper, 2000 University Avenue, East Palo Alto, CA 94303-2248 or at such other location and time as the parties agree. NetApp is subject to a duty to supplement all responses to this request for production in accordance with Federal Rule of Civil Procedure 26(e).

1 D. All documents requested shall be produced as they are kept in the usual course of  
 2 business or shall be organized and labeled to correspond with the categories in these requests.  
 3 File folder tabs, file labels, binder labels, binder tabs or other organizational marks or labels that  
 4 identify documents or the location of documents responsive to these requests shall be produced so  
 5 as to identify the documents contained within the file or binder.

6 E. Electronic records and computerized information must be produced in an  
 7 intelligible format or together with a description of the system from which it was derived  
 8 sufficient to permit rendering the materials intelligible.

9 F. Selection and numbering of responsive documents shall be performed in such  
 10 manner as to enable the source of each document to be determined.

11 G. The connectives "and" and "or" shall be construed either disjunctively or  
 12 conjunctively as necessary to bring within the scope of the discovery request all responses that  
 13 might otherwise be construed to be outside of its scope.

14 H. The use of the singular form of any word includes the plural and vice versa.

15 I. These requests are continuing so that with respect to any request or part thereof as  
 16 to which NetApp, after responding, discovers additional responsive documents, NetApp shall  
 17 provide such documents immediately after acquiring knowledge of their existence or advise in  
 18 writing as to why such additional documents cannot be provided immediately.

#### 20 **REQUESTS FOR PRODUCTION**

##### 21 **REQUEST FOR PRODUCTION NO. 231:**

22 All specifications, guides, manuals, brochures and catalogs for Each disk drive sold within  
 23 NetApp's FAS series of products.

##### 24 **REQUEST FOR PRODUCTION NO. 232:**

25 All Communications between You and Emulex.

##### 26 **REQUEST FOR PRODUCTION NO. 233:**

27 All Communications between You and Emulex regarding the InSpeed Switch Core  
 28

1 REQUEST FOR PRODUCTION NO. 291:

2 Documents sufficient to identify any and all use of NetApp's SnapMirror product by  
3 NetApp and/or any of its customers.

4 REQUEST FOR PRODUCTION NO. 292:

5 All bills of material for all F-series or FAS filers.

6 REQUEST FOR PRODUCTION NO. 293:

7 All bills of material for all V-series or VAS filers.

8  
9 Dated: April 3, 2008

10  
11 DLA PIPER US LLP

12 By



13 CHRISTINE K. CORBETT  
14 Attorney for Defendant and Counterclaimant  
15 SUN MICROSYSTEMS, INC.  
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Attorneys for Defendant and Counterclaimant  
 Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,

Plaintiff – Counterclaim  
 Defendant,

v.

SUN MICROSYSTEMS, INC.,

Defendant – Counterclaim  
 Plaintiff.

CASE NO. 3:07-CV-06053 EDL (JCS)

**DEFENDANT AND COUNTERCLAIM-  
 PLAINTIFF SUN MICROSYSTEMS, INC.'S  
 FOURTH SET OF REQUESTS FOR  
 PRODUCTION OF DOCUMENTS TO  
 PLAINTIFF AND COUNTERCLAIM-  
 DEFENDANT NETWORK APPLIANCE,  
 INC.**

Pursuant to Federal Rule of Civil Procedure 34, Defendant and Counterclaimant Sun Microsystems, Inc. ("Sun") requests that Plaintiff Network Appliance, Inc. ("NetApp") produce for inspection and copying all of the following documents and other tangible things that are in its possession, custody or control. Production shall take place within thirty (30) days of this request, at the offices of DLA Piper, 2000 University Avenue, East Palo Alto, CA 94303-2248 or at such other location and time as the parties agree. NetApp is subject to a duty to supplement all responses to this request for production in accordance with Federal Rule of Civil Procedure 26(e).

- 1           1.     a description of the general type of document, i.e., letter, memorandum,  
2     report, miscellaneous note, etc.;
- 3           2.     the date;
- 4           3.     the author;
- 5           4.     all addresses, recipients, copyholders and other distributees;
- 6           5.     the organization, if any, with which each author, addressee, recipient, or  
7     distributee was then connected and his job title or description;
- 8           6.     the number of pages;
- 9           7.     a general summary of the subject matter; and
- 10          8.     the grounds for refusing to produce the document or portion thereof.

11           C.     Any document requested of which NetApp has knowledge or information but that  
12     is not in NetApp's possession, custody or control must be identified in the manner set forth in  
13     paragraph B hereof.

14           D.     All documents requested shall be produced as they are kept in the usual course of  
15     business or shall be organized and labeled to correspond with the categories in these requests.  
16     File folder tabs, file labels, binder labels, binder tabs or other organizational marks or labels that  
17     identify documents or the location of documents responsive to these requests shall be produced so  
18     as to identify the documents contained within the file or binder.

19           E.     Electronic records and computerized information must be produced in an  
20     intelligible format or together with a description of the system from which it was derived  
21     sufficient to permit rendering the materials intelligible.

22           F.     Selection and numbering of responsive documents shall be performed in such  
23     manner as to enable the source of each document to be determined.

24           G.     The connectives "and" and "or" shall be construed either disjunctively or  
25     conjunctively as necessary to bring within the scope of the discovery request all responses that  
26     might otherwise be construed to be outside of its scope.

27           H.     The use of the singular form of any word includes the plural and vice versa.

28           I.     These requests are continuing so that with respect to any request or part thereof as

1 to which NetApp, after responding, discovers additional responsive documents, NetApp shall  
2 provide such documents immediately after acquiring knowledge of their existence or advise in  
3 writing as to why such additional documents cannot be provided immediately.

4 **REQUESTS FOR PRODUCTION**

5 **REQUEST FOR PRODUCTION NO. 294:**

6 All Documents, including drafts and notes, Relating To Hitz' "manuscript of a book about  
7 NetApp" as set forth in Hitz' May 14, 2008 blog entry.

8 **REQUEST FOR PRODUCTION NO. 295:**

9 Hitz' "manuscript of a book about NetApp" as set forth in Hitz' May 14, 2008 blog entry.

10 **REQUEST FOR PRODUCTION NO. 296:**

11 All video or audio recordings of any presentation given by Kleiman, including, but not  
12 limited to, Kleiman's presentation titled "Surfing Technology Curves."

13 **REQUEST FOR PRODUCTION NO. 297:**

14 All drafts of any presentation given by Kleiman, including, but not limited to, Kleiman's  
15 presentation titled "Surfing Technology Curves."

16 **REQUEST FOR PRODUCTION NO. 298:**

17 All articles and drafts thereof, prepared and/or distributed Relating to Kleiman's  
18 presentation titled "Surfing Technology Curves."

19  
20 Dated: June 6, 2008

21  
22 DLA PIPER US LLP

23 By Christine K. Corbett  
24 CHRISTINE K. CORBETT  
25 Attorney for Defendant and Counterclaimant  
26 SUN MICROSYSTEMS, INC.  
27  
28

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Attorneys for Defendant and Counterclaimant  
 Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,

Plaintiff – Counterclaim  
 Defendant,

v.

SUN MICROSYSTEMS, INC.,

Defendant – Counterclaim  
 Plaintiff.

CASE NO. 3:07-CV-06053 EDL (JCS)

**DEFENDANT AND COUNTERCLAIM-  
 PLAINTIFF SUN MICROSYSTEMS, INC.'S  
 FIFTH SET OF REQUESTS FOR  
 PRODUCTION OF DOCUMENTS TO  
 PLAINTIFF AND COUNTERCLAIM-  
 DEFENDANT NETWORK APPLIANCE,  
 INC.**

Pursuant to Federal Rule of Civil Procedure 34, Defendant and Counterclaimant Sun Microsystems, Inc. ("Sun") requests that Plaintiff Network Appliance, Inc. ("NetApp") produce for inspection and copying all of the following documents and other tangible things that are in its possession, custody or control. Production shall take place within thirty (30) days of this request, at the offices of DLA Piper, 2000 University Avenue, East Palo Alto, CA 94303-2248 or at such other location and time as the parties agree. NetApp is subject to a duty to supplement all responses to this request for production in accordance with Federal Rule of Civil Procedure 26(e).

1 8. the grounds for refusing to produce the document or portion thereof.

2 C. Any document requested of which NetApp has knowledge or information but that  
3 is not in NetApp's possession, custody or control must be identified in the manner set forth in  
4 paragraph B hereof.

5 D. All documents requested shall be produced as they are kept in the usual course of  
6 business or shall be organized and labeled to correspond with the categories in these requests.  
7 File folder tabs, file labels, binder labels, binder tabs or other organizational marks or labels that  
8 identify documents or the location of documents responsive to these requests shall be produced so  
9 as to identify the documents contained within the file or binder.

10 E. Electronic records and computerized information must be produced in an  
11 intelligible format or together with a description of the system from which it was derived  
12 sufficient to permit rendering the materials intelligible.

13 F. Selection and numbering of responsive documents shall be performed in such  
14 manner as to enable the source of each document to be determined.

15 G. The connectives "and" and "or" shall be construed either disjunctively or  
16 conjunctively as necessary to bring within the scope of the discovery request all responses that  
17 might otherwise be construed to be outside of its scope.

18 H. The use of the singular form of any word includes the plural and vice versa.

19 I. These requests are continuing so that with respect to any request or part thereof as  
20 to which NetApp, after responding, discovers additional responsive documents, NetApp shall  
21 provide such documents immediately after acquiring knowledge of their existence or advise in  
22 writing as to why such additional documents cannot be provided immediately.

23 **REQUESTS FOR PRODUCTION**

24 **REQUEST FOR PRODUCTION NO. 299:**

25 Documents sufficient to show each Ethernet switch or Fibre Channel switch supplied to or  
26 distributed by NetApp since September 2007.

27 **REQUEST FOR PRODUCTION NO. 300:**

28 Documents sufficient to show the unit number sales of each Ethernet switch or Fibre

1 REQUEST FOR PRODUCTION NO. 334:

2 Documents related to agreements, contracts, purchase orders, memoranda of  
3 understanding, letters of intent, or term sheets between NetApp and QLogic and Documents.

4 REQUEST FOR PRODUCTION NO. 335:

5 Documents Relating to configurations of Ethernet switches or Fibre Channel switches  
6 supplied by NetApp, including documents related to the NetApp's switched environment and  
7 Fabric MetroCluster configuration.

8  
9 Dated: June 20, 2008

10  
11 DLA PIPER US LLP

12 By Carrie L. Williamson  
13 CHRISTINE K. CORBETT  
14 CARRIE L. WILLIAMSON  
15 Attorney for Defendant and Counterclaimant  
16 SUN MICROSYSTEMS, INC.  
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 Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,

Plaintiff – Counterclaim  
 Defendant,

v.

SUN MICROSYSTEMS, INC.,

Defendant – Counterclaim  
 Plaintiff.

CASE NO. 3:07-CV-06053 EDL (JCS)

**DEFENDANT AND COUNTERCLAIM-  
 PLAINTIFF SUN MICROSYSTEMS, INC.'S  
 SIXTH SET OF REQUESTS FOR  
 PRODUCTION OF DOCUMENTS TO  
 PLAINTIFF AND COUNTERCLAIM-  
 DEFENDANT NETWORK APPLIANCE,  
 INC.**

Pursuant to Federal Rule of Civil Procedure 34, Defendant and Counterclaimant Sun Microsystems, Inc. ("Sun") requests that Plaintiff Network Appliance, Inc. ("NetApp") produce for inspection and copying all of the following documents and other tangible things that are in its possession, custody or control. Production shall take place within thirty (30) days of this request, at the offices of DLA Piper, 2000 University Avenue, East Palo Alto, CA 94303-2248 or at such other location and time as the parties agree. NetApp is subject to a duty to supplement all responses to this request for production in accordance with Federal Rule of Civil Procedure 26(e).

1 as to identify the documents contained within the file or binder.

2 E. Electronic records and computerized information must be produced in an  
3 intelligible format or together with a description of the system from which it was derived  
4 sufficient to permit rendering the materials intelligible.

5 F. Selection and numbering of responsive documents shall be performed in such  
6 manner as to enable the source of each document to be determined.

7 G. The connectives "and" and "or" shall be construed either disjunctively or  
8 conjunctively as necessary to bring within the scope of the discovery request all responses that  
9 might otherwise be construed to be outside of its scope.

10 H. The use of the singular form of any word includes the plural and vice versa.

11 I. These requests are continuing so that with respect to any request or part thereof as  
12 to which NetApp, after responding, discovers additional responsive documents, NetApp shall  
13 provide such documents immediately after acquiring knowledge of their existence or advise in  
14 writing as to why such additional documents cannot be provided immediately.

15 **REQUESTS FOR PRODUCTION**

16 **REQUEST FOR PRODUCTION NO. 337:**

17 Documents identifying any NetApp product that includes two or more AMD processors  
18 distributed by NetApp since September 2001.

19 **REQUEST FOR PRODUCTION NO. 338:**

20 Documents identifying the unit number sales of each NetApp product that includes two or  
21 more AMD processors, listed by model number, distributed by NetApp since September 2001.

22 **REQUEST FOR PRODUCTION NO. 339:**

23 Documents sufficient to identify each NetApp customer or end user that has purchased a  
24 NetApp product that includes two or more AMD processors from NetApp since September 2001.

25 **REQUEST FOR PRODUCTION NO. 340:**

26 NetApp specifications, guides, manuals, brochures, or catalogs containing mention of,  
27 reference to, or describing AMD processors in NetApp products that include two or more AMD  
28 processors.

operation of AMD processors within NetApp products.

REQUEST FOR PRODUCTION NO. 350:

Communications between NetApp and AMD related to or referring to Sun, Civil Action No. 3:07-cv-06053 or any claims asserted therein, without regard to when such communication occurred or when such document was created.

REQUEST FOR PRODUCTION NO. 351:

Documents related to agreements, contracts, purchase orders, memoranda of understanding, letters of intent, Communications, or term sheets between NetApp and AMD.

REQUEST FOR PRODUCTION NO. 352:

Documents from AMD describing the internal structure, function, and operation of AMD processors supplied by AMD to NetApp.

REQUEST FOR PRODUCTION NO. 353:

Documents related to memory management or cache management within NetApp products that include two or more AMD processors.

REQUEST FOR PRODUCTION NO. 354:

Documents from AMD describing the instruction set of AMD processors supplied by AMD to NetApp.

REQUEST FOR PRODUCTION NO. 355:

Documents created by NetApp or AMD describing the buffer configuration within NetApp products that include two or more AMD processors.

Dated: June 30, 2008

DLA PIPER US LLP

By Christine K. Corbett  
CHRISTINE K. CORBETT  
CARRIE L. WILLIAMSON  
Attorney for Defendant and Counterclaimant  
SUN MICROSYSTEMS, INC.